

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re the Application of: **MI, Xiaoyu, et al.**

Group Art Unit: **2834**

Serial No.: **10/791,787**

Examiner: **Karl I. TAMAI**

Filed: **March 4, 2004**

P.T.O. Confirmation No.: **5333**

For: **MICRO-OSCILLATION ELEMENT**

RESPONSE TO THE RESTRICTION REQUIREMENT
DATED December 2, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date: December 28, 2005

Sir:

This paper is submitted in response to the Official Action dated **December 2, 2005**.

In the Action, restriction is required among Group (I), Claims 2, 11 and 12; Group (II), Claim 3; Group (III), Claims 4-8; Group (IV), Claims 9 and 10; and Group (V), Claims 14-18.

Applicants hereby elect the subject matter of Group (II), Claim 3, for prosecution in this application. It is understood that the applicants' rights to the filing of a divisional application directed to the non-elected subject matter under 35 USC 120 and 35 USC 121 are retained.

Despite the above election, the applicants submit that since all claims are equally directed to a micro-oscillating element (a single category of invention); thus, the Examiner should have issued an "Election of Species" requirement, rather than a restriction requirement. Further, the

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applicants submit that all of the disclosed embodiments (species) include plate springs so how are the applicants limited to future amendments as a result of the Restriction Requirement. If the applicants are limited only to claim 3 with no possibility of combining claim 3 with other claims, the Restriction Requirement would seem unreasonable in view of the fact that claim 3 reads on all of the disclosed embodiments.

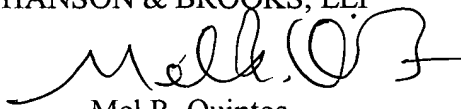
It is thus requested that the Examiner clarifies his position regarding the above points. The applicants should elect one of the disclosed species rather than doing selection of claims. (If such is the case, the applicants will provisionally elect the species shown in Figs. 12 and 13.)

In the event that this paper is not timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 01-2340.

In the event any additional fees are required in connection with this response, please charge our Deposit Account No. 01-2340.

Respectfully submitted,

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